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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/705,036	11/02/2000	Brendan Solan	200-0592	6840

7590

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EXAMINER

KOYAMA, KUMIKO C

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 12/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/705,036

Applicant(s)

SOLAN ET AL.

Examiner

Kumiko C. Koyama

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Prelim. Amdt/Amendment*

1. Acknowledgment is made of Amendment filed on September 30, 2002.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Saliga (US 5,038,023).

Saliga teaches providing a storage area 10 having a plurality of storage spaces 22 for receiving an item 16 (col 4 lines 20-24, lines 61-66), placing the item 16 in a unique one said plurality of storage spaces with in the storage area (col 4 lines 61-66), providing a status indicator having one of plurality of values, either on or off (1 or 0) (col 6 lines 24-28), removably placing a selectively re-programmable location determination device 12 upon the item 16, effective to allow the item to be quickly located at the items exact position in the unique one of said plurality of storage spaces 22 within the storage area 10 (col 2 lines 10-16, col 4 lines 18-28), and shipping the item only is the status indicator has a certain value (col 2 lines 16-18, col 6 lines 24-28 and lines 38-39).

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saliga in view of Benson et al (US 5,635,693).

Saliga fail to teach that the item comprises a vehicle.

Benson discloses a sysytem and method for tracking vehicles 105 in vehicles lots 101 using a RF tag 210, which is a location determination device (col 3 lines 48-57).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the teachings of Benson to the teachings of Saliga because quickly and precisely locating the vehicle within a vehicle storage area leads to better customer service, which also leads to customer satisfaction.

6. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saliga as modified by Benson as applied to claim 2 above, and further in view of Miller et al (US 4,776,464). Saliga as modified by Benson have been discussed above.

Art Unit: 2876

Re claim 3 and 4: Saliga as modified by Benson fail to teach the step of storing the certain destination within the location determination device and assigning the item to a transport carrier based upon the stored certain destination which resident within the selectively re-programmable location determination device.

Miller teaches a luggage tag 4 having an intended destination data (col 3 lines 7-12). Miller also teaches that the bag is routed to a particular branch conveyor and once the bag is delivered to the proper accumulation point, the bag is then made available for manual or automated loading onto a baggage carts or aircraft containers for specified flight (col 9 lines 20-27).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Miller to the teachings of Saliga as modified by Benson and assign the item to a transport carrier based upon the stored certain destination which is resident within the selectively re-programmable location determination device because it would have been easier to located a vehicle in the system and all vehicles with the same destination can be transported in a single conveyance. Therefore, such modification would further provide a more efficient and effective means for locating the batch vehicles, resulting in reducing the cost and time factors.

Re claim 5: Saliga teaches generating a report including the exact location of the item within (col 3 lines 40-43).

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saliga as modified by Benson and Miller as applied to claim 5 above, and further in view of Jaekle (US 3,661,098). Saliga/Benson/Miller have been discussed above.

Saliga/Benson/Miller fail to teach that the transport carrier comprises a railcar.

Jaekle teaches a transportation carrier comprising a railcar 10 (Fig 1, col.2 lines1-2).

In view of Jaekle, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ the teachings of Jaekle to the teachings of Saliga/Benson/Miller because it would have been more cost efficient to utilize a railcar since it transports a larger number of vehicles than a truck. Furthermore, it would have also been more time efficient, depending on the destination of the shipment, due to less traffic on railroad than on truck roads.

8. Claims 7-17 rejected under 35 U.S.C. 103(a) as being unpatentable over as being unpatentable over Benson in view of Ayed et al (US 6,405,125) and Miller et al (US 4,776,464).

Re claim 7-12: Benson discloses a method comprising of providing identification 602 for a vehicle 105 (col.4 lines 4-5), providing and placing a RF tag 210 on the vehicle, communicating the identification 602 to the RF tag 210 (col.3 lines 51-53, col.4 lines 21-24), and using the RF tag 210 to locate the vehicle 105 (col.4 lines 47-48). Benson also teaches to provide identifications for representing a status and a location of the vehicle, and these identifications also communicating to the RF tag 210 and stored into a computer (col.4 lines 45-46, col.8 lines 33-36). Furthermore, Benson discloses that an identification representing a location of the vehicle is altered in response to the movement of the vehicle (col.8 lines 53-59).

Benson fails to teach providing storage area having a plurality of storage spaces, providing a second identification code for the certain destination, disposing the item in a unique one of the plurality of storage spaces within the storage area, using the device to locate the item

Art Unit: 2876

within the exact unique one of said plurality of storage spaces within the storage area and to assign the item to a conveyance, effective to ship the item to the certain destination.

Ayed teaches providing a storage area 13 having a plurality of storage spaces and disposing a vehicle 15 in unique one of plurality of storage spaces within the storage area (col 3 lines 17-18, Fig 1A). Ayed also teaches using a device to locate the vehicle within the exact unique one of the plurality of storage spaces within the storage area (col 4 lines 15-21).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Ayed to the teachings of Benson in order to quickly and precisely locate the vehicle within the storage area whereas one would walk around the premise to locate the vehicle, which also increases safety.

Miller teaches providing an identification code for the certain destination (col 3 lines 9-12 and 15-16). Miller also teaches assigning the item to a conveyance, effective to ship the item to the certain destination (col 9 lines 20-27).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Miller to the teachings of Benson as modified by Ayed because it would have been easier to locate the vehicle in the system and all vehicles with the same destination can be transported in a single conveyance. Therefore, such modification would further provide Benson with a more efficient and effective means for locating and batch vehicles, resulting in reducing the cost and time factors.

Re claim 13-14, 16 and 17: Benson discloses a method comprising of providing a first identification 602 representing an identification number of a vehicle 105, providing and placing a RF tag 210 upon the vehicle to locate the vehicle 105, receiving and storing the vehicle (col.3

Art Unit: 2876

lines 60-65), providing a second unique identification 603 (col.12 lines 5-9), storing the first and second identification within a computer 130 (col. 7 line 24-26, col. 15 line 34-38, fig 6A), vehicle identification records including vehicle identifications assigned by the dealer indexed on identification field for referencing means and for fast file access (col. 9, lines 28-32, fig 3A, fig 6A), providing and storing within the computer 130 a fourth identification representing a status of the vehicle (col.7 lines 24-26, col. 15 line 34-38, fig 6A), and utilizing the computer 130 and the RF tag 210 to locate the vehicle 105 (col. 7 lines 17-19, fig.6A). Benson teaches that a RF tag 210 comprises a transceiver (col.4 lines 6-9). Benson also discloses a method wherein the vehicle is held within a yard and comprising of providing and storing within the RF tag 210 a fifth identification 625 representing a location of the vehicle within the yard, and altered effective to represent a movement of the vehicle within the yard (col.8 lines 53-69).

Benson fails to teach providing storage area having a plurality of storage spaces, a location determination device having a unique second code, receiving and storing the vehicle within a unique one of the plurality of storage space within the storage area, disposing the vehicle in a unique one of the plurality of storage spaces within the storage area, locating the vehicle within the exact unique one of the plurality of storage spaces within the storage area and ship the vehicle.

Ayed teaches providing a storage area 13 having a plurality of storage spaces and receiving/storing/disposing a vehicle 15 in unique one of plurality of storage spaces within the storage area (col 3 lines 17-18, Fig 1A). Ayed also teaches using a device to locate the vehicle within the exact unique one of the plurality of storage spaces within the storage area (col 4 lines 15-21).



Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Ayed to the teachings of Benson in order to quickly and precisely locate the vehicle within the storage area whereas one would walk around the premise to locate the vehicle, which also increases safety.

Miller teaches providing an identification code for the certain destination (col 3 lines 9-12 and 15-16). Miller also teaches assigning the item to a conveyance, effective to ship the item to the certain destination (col 9 lines 20-27).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Miller to the teachings of Benson as modified by Ayed because it would have been easier to locate the vehicle in the system and all vehicles with the same destination can be transported in a single conveyance. Therefore, such modification would further provide Benson with a more efficient and effective means for locating and batch vehicles, resulting in reducing the cost and time factors.

Re claim 15: Although Benson teaches an identification representing a status of a vehicle, he fails to teach that the identification may prevent a shipment of a vehicle.

However, Benson teaches that if service is performed to a vehicle, a check is made when the vehicle leaves to assure that all service was completed 347 and the bill is paid 352 (col. 9, lines 43-45, fig 3D, fig 5). Benson also teaches that if the service is not complete, then an algorithm sends a message to the appropriate managers terminal (col 10 lines 33-36) so that the managers may initiate appropriate action (col 5 lines 1-3).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to check an identification representing a status of a vehicle and if the

Art Unit: 2876

identification fails to permit the vehicle to leave the lot or to be shipped to a destination, for example due to incomplete service, the identification may initiate to send a message to the appropriate managers so that they can take appropriate action, which may prevent the vehicle from leaving the lot. Therefore, assuring the vehicle's safety and providing a better quality service to customers.

9. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Benson as modified by Ayed and Miller as applied to claim 13 above, and further in view of Levine et al (US 5,477,038). Benson/Ayed/Miller have been discussed above.

Benson/Ayed/Miller fail to teach a sixth identification code having a certain value which indicates a shipment of the vehicle.

However, Levine et al teaches a second data indicating the shipment of cards (col 8 lines 53-57).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to include a code indicating a shipment of a vehicle to the teachings of Benson/Ayed/Miller because a record of the shipment may be useful to dealers for tracking purposes, and they can verify the shipment if an information regarding it is needed by customers or dealers.

### *Response to Arguments*

10. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2876

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kumiko C. Koyama whose telephone number is 703-305-5425. The examiner can normally be reached on Monday-Friday 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

kck  
December 13, 2002

  
MICHAEL G. LEE  
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